

Message Text

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21

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INFO OCT-01 EUR-12 ISO-00 JUSE-00 COME-00 TRSE-00 EB-07

OMB-01 FRB-03 FCSC-01 PM-04 NSC-05 SP-02 SS-15 SCA-01

H-02 /057 R

DRAFTED BY L/ECP:EMAURER:MFM

APPROVED BY L:SMSCHWEBEL

EUR - MR. ARMITAGE

L/C - MR. KWIATEK

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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY PRAGUE

C O N F I D E N T I A L STATE 022630

E.O. 11652: GDS

TAGS:EFIN, OGEN, BE, CZ

SUBJECT:CLASS SUIT IN U.S. FEDERAL DISTRICT COURT
INVOLVING CZECH GOLD CLAIM BEFORE TRIPARTITE (U.S., U.K.
AND FRANCE) GOLD COMMISSION

REF: STATE 278776

FOR BRUSSELS FOR TRIPARTITE GOLD COMMISSION

1. IN CLASSS SUIT (PARAGRAPH 2 REFTEL) SEEKING UTILIZATION
OF 18.4 TONS OF GOLD HELD BY THREE GOVERNMENTS IN NEW YORK
AND LONDON TO SATISFY CLAIMS OF AMERICAN CLAIMANTS FOR
NATIONALIZED PROPERTY IN CZECHOSLOVAKIA, FEDERAL DISTRICT
JUDGE GRANTED U.S. GOVERNMENT'S MOTION TO DISMISS THE
COMPLAINT.

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2; JUDGE'S-RULING WAS MADE FROM BENCH-AFTERNOON OF JANUARY 29, 1976 AFTER ORAL ARGUMENT. ATTORNEY FOR PLAINTIFFS INDICATED TO U.S. GOVERNMENT ATTORNEY INTENTION TO APPEAL TO U.S. CIRCUIT COURT OF APPEALS. PLAINTIFFS HAVE 60 DAYS IN WHICH TO GIVE NOTICE OF APPEAL AND THEN 45 DAYS IN WHICH TO FILE BRIEF IN SUPPORT, BUT PLAINTIFFS CAN SHORTEN TIME

IN WHICH THEY ACT. IN ALL EVENTS U.S. GOVERNMENT WILL HAVE 25 DAYS AFTER PLAINTIFFS BRIEF IN WHICH TO FILE ANSWERING BRIEF.

3. DEPARTMENT GREATLY PLEASED WITH RULING IN DISTRICT COURT, BUT ANTICIPATES APPEAL TO CIRCUIT COURT AND PROBABLY THEREAFTER TO SUPREME COURT.

4. EMBASSIES MAY ADVISE FONOFFS AND U.S. GOLD COMMISSIONER SHOULD ADVISE COLLEAGUES. DEPARTMENT IS ADVISING CZECH, BRITISH AND FRENCH REPRESENTATIVES WASHINGTON. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, NATIONALIZATION, GOLD, COURT DECISIONS, PROPERTY WAR CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE022630
Document Source: CORE
Document Unique ID: 00
Drafter: EMAURER:MFM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760034-1023
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976018/aaaaaggs.tel
Line Count: 80
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 278776
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAR 2004 by KelleyW0>; APPROVED <28 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LASS SUIT IN U.S. FEDERAL DISTRICT COURT INVOLVING CZECH GOLD CLAIM BEFORE TRIPARTITE (U.S., U.K.
TAGS: EFIN, OGEN, BE, CZ, US, UK, FR
To: BRUSSELS MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006